

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 24, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STEVEN S.,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner
of the Social Security Administration,

Defendant.

No: 1:20-CV-03119-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 18. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Jeffrey E. Staples.

After consideration, **IT IS HEREBY ORDERED** that the Stipulated Motion for Remand, ECF No. 18, is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Counsel should remand this case to the Administrative Law Judge (ALJ). On remand, the ALJ shall do the following: (1) reevaluate the additional

1 evidence Plaintiff submitted to the Appeals Council; (2) reevaluate Plaintiff's
2 symptom testimony; (3) reevaluate Plaintiff's maximum residual functional
3 capacity and obtain medical expert evidence, as necessary; (4) obtain supplemental
4 vocational expert evidence, if necessary; (5) offer the claimant the opportunity for
5 a hearing; (6) further develop the record as necessary; and (7) issue a new decision.

6 The parties stipulate that this case be reversed and remanded to the ALJ on
7 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
8 matter is remanded to the Commissioner for additional proceedings pursuant to
9 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
10 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §
11 2412(d).

12 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
13 Judgment, **ECF No. 16**, is **DENIED** as moot, given the parties' motion for
14 remand.

15 The District Court Executive is hereby directed to enter this Order and
16 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
17 file.

18 **DATED** May 24, 2021.

19
20 s/Fred Van Sickle
Fred Van Sickle
21 Senior United States District Judge